

# Not worth mentioning by the HRC

How the COI's "conference room paper" on children uses a flawed mechanism to support a pre-determined narrative.

## **Background**

1. The Commission of Inquiry against Israel (COI) is releasing a new report, labeled “conference room paper”, purporting to examine Israel’s conduct concerning Palestinian children since October 7<sup>th</sup>, 2023. Under the pretext of an objective and impartial UN paper, the COI – which, despite its name, is anything but independent – intends to release a deeply flawed and one-sided report, replete with errors and distortions, the sole purpose of which is to advance its politically-driven anti-Israel narrative.
2. Israel recognizes that harm to civilians, and especially to children, is a tragic consequence of armed conflict. Even after the horrific attacks initiated by Hamas on October 7<sup>th</sup> 2023, and in the face of an adversary deliberately acting in a manner that harms its own civilian population, Israel has acted extensively and consistently to minimize harm to civilians, including children.
3. However, in its effort to manufacture a false and distorted narrative that Israel acts with the intent or policy of deliberately harming Palestinian children, the Commission consistently disregards the well-documented efforts taken by Israel to alleviate civilian harm and to facilitate humanitarian aid. It likewise ignores Hamas’s deliberate strategy of exploiting the presence of civilians and of commandeering humanitarian aid for military purposes, and its direct responsibility for the resulting harm inflicted upon the civilian population in Gaza. These deficiencies recur throughout the report and ultimately reflect more on its authors than on Israel.
4. This report is the latest in a series of egregious reports published by the COI since its inception in 2021, in which it seeks to portray Israel as the “ultimate villain,” culpable for every harm that occurs over the course of the conflict, while absolving Palestinian actors from any responsibility for wrongdoings, and distorting reality and the facts to fit the narrative it aims to advance. This is not the work of a serious commission genuinely concerned with establishing the truth and the facts, and its output should be treated accordingly.
5. This document will briefly present the COI’s inherently flawed composition, mandate and methodology, all of which bring the credibility and integrity of this

mechanism's products into question, and discredit the current report. It will also present some examples of errors and omissions in the draft report.

### **The Erasure of Israeli Childhood**

6. The COI's express mandate is the examination of alleged violations of international humanitarian law and human rights law, regardless of the identity of the perpetrators or victims of these alleged offences. It should be impossible, given this theoretical mandate, for the Commission to release a methodical report that discusses offences committed against children focusing entirely on one party to the conflict, outright ignoring Israeli victims. If the Commission had wished to objectively discuss the impact of the conflict on children, it would have addressed all children.
7. The Commission's two reports to date discussing the attacks of Hamas and other terrorist groups on and after October 7<sup>th</sup>, which they have termed "comprehensive", devote less than four pages in total to the impact of these horrific actions on Israeli children. The current report could have been an opportunity for the Commission to address the impact of the October 7<sup>th</sup> attack and the subsequent events on Israeli children. Unfortunately, they have relinquished this opportunity in favor of the demonizing narrative that is the Commission's *raison d'être*. While their omission cannot be fully rectified here, it is worth briefly mentioning a few salient points.
8. During the October 7<sup>th</sup> attack alone, 38 Israeli children, including infants, were brutally murdered. More than 200 children lost one or both parents in that attack. 32 children, including nine children younger than 6 years old, were abducted and held hostage in Gaza. Among these children were 9-month-old Kfir Bibas, the youngest person in the world to have been taken hostage, and his 4-year-old brother Ariel, who were murdered by their Palestinian captors in Gaza. 97 children had one or both parents taken hostage by Hamas and other Palestinian terrorist organizations, some never to return alive.

9. Israeli children released from captivity have reported significant abuse and mistreatment, including sexual violence,<sup>1</sup> during the time that they were held in Gaza. Israeli children were intimidated and physically assaulted by their captors. Some children were forced to watch videos of the October 7<sup>th</sup> massacre under threat of physical violence. Others reported being drugged or branded on their bodies.
10. Following October 7<sup>th</sup>, tens of thousands of Israeli children, including nearly 18,000 preschoolers, had no choice but to evacuate their homes and find temporary living arrangements, including in converted hotels and evacuee centers, in other parts of the country. Many of these children, and their families, were displaced for months or even years, causing significant disruption to their lives and education. Many others lost their homes and the types of treasured and important possessions so feelingly discussed by the Commission in the context of Palestinian childhood. Over 25,000 Israeli children were recognized as victims of terror.<sup>2</sup>
11. The Commission's report also fails to make any mention of the impact of decades of terrorist threats and attacks on children throughout Israel, or of continuous rocket fire on the homes, lives, education, and mental health of generations of children living in Israel's North and South.

### **The Abuses of Hamas and Other Palestinian Terrorists against Palestinian Children**

12. The Commission's 100-page report devotes four paragraphs to the crimes Hamas committed against Palestinian children. The Commission's analysis focuses in a simplistic and misinformed manner almost exclusively on Israel's conduct, without adequately examining the role of Hamas and other armed

---

<sup>1</sup> See for example Mission Report, Official Visit of the Office of the SRSG-SVC to Israel and the occupied West Bank 29 January – 14 February 2024 (para. 71), available at: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/03/report/mission-report-official-visit-of-the-office-of-the-srsg-svc-to-israel-and-the-occupied-west-bank-29-january-14-february-2024/20240304-Israel-oWB-CRSV-report.pdf>.

<sup>2</sup> <https://www.btl.gov.il/English%20Homepage/About/PressReleases/Pages/hodaaitonotpgiaakids2026.aspx>

groups in shaping the operational environment, embedding military activity within civilian areas, and contributing to the risks faced by Palestinian civilians, including children. That results in an incomplete and unreliable account of the sources of harm in the conflict. Our response here cannot truly remedy the Commission's defects in this regard, but we will present a few significant examples.

13. For years, Hamas has systematically recruited and exploited Palestinian children as fighters, messengers, tunnel workers, and human shields - including for intelligence-gathering, the planting of explosive devices on roads, and direct attacks on Israeli forces. Hamas's recruitment of minors, sometimes as young as 15, is acknowledged by Hamas itself and documented across multiple independent sources. This is not a peripheral issue in a report about children - it is central to it.<sup>3</sup>
14. Hamas stored weapons in locations specifically chosen to implicate children. IDF forces discovered rockets hidden under children's beds, and tunnel shafts located beneath cots, in residential homes. A large teddy bear found inside a school concealed sniper rifles and ammunition. The opening to a tunnel where the bodies of six hostages murdered by their captors were recovered on August 31<sup>st</sup>, 2025 was discovered in a child's room, in which the walls were decorated with images of Mickey Mouse and Snow White. A weapons cache inside a school included grenades, firearms, and RPG missiles. These examples are not isolated findings - they reflect Hamas's deliberate strategy of embedding its military assets in the physical spaces of childhood.<sup>4</sup>

---

<sup>3</sup> As detailed in the letter addressed to the Special Representative of the Secretary General on Children in Armed Conflict from April 9<sup>th</sup>, 2024); IDF CAT Statement (12 November 2025) (confirming Hamas systematically recruits minors as young as 15 for combat activity).

<sup>4</sup> Israel Defense Forces, 'A large teddy bear was found containing sniper rifles and ammunition inside a school' (9 December 2023), <https://www.idf.il/en/mini-sites/israel-hamas-war-gaza/articles-israel-hamas-war-gaza/distributions-swords-of-iron-war-gaza/central-gaza/091223-a-large-teddy-bear-was-found-containing-sniper-rifles-and-ammunition-inside-a-school/>; Israel Defense Forces, 'Shoulder-Fired Missiles, Mortar Shells and Numerous Weapons Located Inside a Kindergarten and Elementary School in Gaza' (17 November 2023), <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/november-23-pr/shoulder-fired-missiles-mortar-shells-numerous-weapons-located-inside-a-kindergarten-and-elementary-school-in-gaza/>.

15. Beyond the physical exploitation, Hamas has systematically indoctrinated Palestinian children into a culture of hatred and martyrdom. Hamas's documented educational curriculum, its media for children, and its organizational culture celebrate violence against Israelis and present death in combat as an aspiration. The long-term harm this inflicts on Palestinian children - on their development, their prospects, and their capacity to build peaceful lives - is profoundly harmful to Palestinian childhood. It is entirely absent from the Commission's report.
16. The current draft report's fundamental flaws are unsurprising, as they are the direct result of the COI's anti-Israel ideology and interpretation of its already fundamentally skewed mandate, its methodology, and its *modus operandi*.

### **The One-of-its-Kind COI**

17. On May 27<sup>th</sup>, 2021 the Human Rights Council convened a special session at the behest of the Palestinian delegation and Pakistan (on behalf of the Organization of Islamic Countries), adopting resolution S-30/1, which created an unprecedented commission of inquiry aimed against Israel. The sole purpose of this initiative was to limit Israel's right to defend itself against Hamas's relentless rocket attacks on Israeli population centers. Over twenty States - half of the Council's members - withheld their support for the resolution.
18. The COI is unique in that it is the UN's only country-specific commission of inquiry which, despite its seemingly neutral title, leads to the investigation of accusations against Israel since before its establishment and in perpetuity - undermining the very establishment of the State of Israel.
19. The COI's unique mandate allows it to manipulate reality and selectively target Israel in an effort to delegitimize and even criminalize its very existence, uniquely among the States of the world. The COI has even adopted the inciteful discourse of Francesca Albanese, in referring to a "75-year long occupation", effectively since the establishment of the State of Israel in 1948. This not only contradicts 3000 years of history, but also undermines UN resolution 181 and delegitimizes Israel's right to exist in peace and security.

20. In spite of its official mandate of investigating all human rights violations in the territories and within Israel itself, since its inception, the COI has persistently advanced a single agenda: on one hand, to delegitimize, demonize and criminalize Israel and Israelis, blaming it as the source of all evil; while on the other hand victimizing Palestinians and ignoring, absolving and justifying any violations by Palestinian actors. The reports it has published to date demonstrate how facts, figures and even historical events have been selectively presented: Those that fit this agenda remained, those that did not – were omitted.
21. With an annual budget of over 4.15 million dollars – far exceeding the budget of virtually all other COIs – and a recognized staff of 18 people – the Commission has been positioned to permanently drain the resources of the United Nations, which is facing a major deficit, to advance yet another malevolent anti-Israel campaign. While most UN bodies are undergoing cross-system measures of efficiency and reducing costs, the anti-Israel COI remains unbounded and unchecked.

### **COI members**

22. Doubling down on the discriminatory nature of the COI mandate, the first three individuals appointed to the Commission were known for their extreme anti-Israeli background, clearly signaling a predetermination of any findings it would reach.
23. The UN's own rules and guidance on Commissions of Inquiry and Fact-Finding Missions clearly stipulate that: *“members should, in all cases, have a proven record of independence and impartiality. It is also important to ensure that the background of candidates, prior public statements or political or other affiliations do not affect their independence or impartiality, or create perceptions of bias.”*<sup>5</sup>
24. All three of the COI's original members have repeatedly taken public and hostile positions against Israel on the very subject-matter that they are called upon to

---

<sup>5</sup> Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law Guidance and Practice, United Nation Human Rights Office of the High Commissioner, HR/PUB/14/7, at 19, (Feb. 2015).

“independently and impartially” investigate.<sup>6</sup> These positions were expressed publicly and were widely known prior to their appointments - they were selected precisely because of this proven bias.<sup>7</sup> In layman's terms, the Commission's original leadership was selected so as to guarantee the desired political outcome. No other commission of inquiry would have nominated members with a clear personal agenda on the very topic on which they are mandated to report as objective observers. Sadly, the structural bias of the Human Rights Council allows such individuals to become the judge, the jury, the prosecutor and the outsourced private detective that investigated the case.

25. All three original members of the COI submitted their resignations in July 2025. However, Chris Sidoti was reappointed in November 2025 and remains the COI's figurehead and senior member. Mr. Sidoti is known for his anti-Israel sentiment. He has publicly called the Israeli army “one of the most criminal in the world,” described the conflict in Gaza as “an Israeli terrorism creation factory,” and asserted that Israel's killing and wounding of children in Gaza is “the greatest of any conflict in recorded warfare”- a claim which is as outrageous as it is easy to debunk. These are not the measured assessments of an independent fact-finder. They are polemical proclamations in the service of a predetermined agenda.
26. No fair-minded observer has any reason to believe that Israel will ever receive reasonable, objective and non-discriminatory treatment from this Commission of Inquiry, or that its output should be contended with seriously.

---

<sup>6</sup> See, for example, references in the Letter of the Permanent Mission of Israel to the United Nations and other International Organizations in Geneva, to the H.E. Ambassador Nazhat Shameem Khan, President of the Human Rights Council, dated 5 October 2021 (objecting to the appointment of COI Members).

<sup>7</sup> For almost two decades, Navi Pillay, the COI's former chair, embarked on a one-sided, flawed campaign against Israel. She was well known for personally championing an anti-Israel agenda and for numerous anti-Israel pronouncements, including the shameful libel comparing Israel to Apartheid South Africa, as well as advocating for the radical BDS (Boycott, Divestment and Sanction) campaign against Israel.

Miloon Kothari has accused the “Jewish lobby” of controlling the media and has questioned why Israel is “even a member of the United Nations”. He has been criticized by numerous States and other bodies for his antisemitic remarks.

### **Tailored narrative since October 7th**

27. The COI's *modus operandi* is disturbing and misleading, and consistently results in the manufacture of an illusory narrative. The COI's reports further minimize, ignore, and at times justify the continuing unlawful, destructive and brutal actions of armed terrorist groups such as Hamas, and the significant impact of those actions on Israeli civilians, particularly children and other vulnerable populations. At the same time, it is invested in establishing a premise that whatever the allegation against Israel, whether verified or not – is indicative of systemic and widespread policies.
28. A stark example of this distorted narrative is evident in the COI's first of two reports to date to discuss the horrific crimes carried out against Israeli civilians on October 7<sup>th</sup>, 2023 – the vilest terror attack in Israel's history, and one of the worst, most savage, terror attacks the world has seen. In this attack, more than 1200 people, including the elderly, women and children were slaughtered, molested, and mutilated by Palestinian attackers, at their, homes, on the roads and outside. Militants abducted 251 men, women and children to Gaza, where they were held hostage in tunnels built specifically for this purpose, some for over two years.
29. In its first publication after October 7<sup>th</sup>, 2023 the Commission found it necessary to preface its brief discussion of the atrocities committed against Israeli civilians on October 7<sup>th</sup> with an attempted justification of the terrorist attack, essentially blaming Israel for the barbaric and horrific attack.<sup>8</sup> In doing so, the Commission echoes Hamas's narrative to Western audiences – this narrative seeks to frame the criminal attack of October 7<sup>th</sup> as resistance to occupation, whereas in reality it was an attempt to implement Hamas's long-standing extremist ideological commitment to destroy the State of Israel and to harm it and its civilians whenever the opportunity arises, in blatant disregard of all law and moral norms.
30. In line with the COI's policy of concealing Hamas' responsibility for the harm inflicted upon the civilian population in Gaza, previous reports have shamelessly portrayed Israel's operations in terror-infested health facilities in Gaza as a

---

<sup>8</sup> See A/HRC/56/26, available at: <https://www.ecoi.net/en/file/local/2110832/g2408664.pdf>, para. 6.

policy targeting Gaza's health system, while disregarding overwhelming evidence of the systematic military use of medical facilities in Gaza by Hamas and the Palestinian Islamic Jihad. In spite of overwhelming evidence that these facilities were used to conceal terror operatives, store weapons, hide hostages etc., the COI has chosen not to mention Hamas' strategy of abusing civilian infrastructure and using the Palestinian population as human shields. The "context" that the Commission calls for when analyzing the brutal and systematic murder of civilians in Israel, apparently, is deemed unnecessary when condemning Israel for targeting buildings housing militants, command and control centers, weaponry, sniper posts and other military uses made by terror organizations.

### **The COI's flawed methodology**

31. The COI claims to carry out careful and thorough "investigations", stating that its findings are based on the "reasonable grounds" standard for factual and legal findings. However, the COI does not have the ability, nor the expertise to conduct meaningful investigations or reach any credible findings. In some instances, the report elaborates on alleged incidents with no reference to any supporting source. In many others, it substantiates its allegations with unverified testimony from single, unidentified and sometimes third-party testimonies and sources, making them almost impossible to authenticate, let alone rely upon.
32. For example, the COI states that in cases where it assessed that the risk of re-traumatization was high, interviews were not held with children or families, instead relying on information that had already been collected. However, there are mechanisms, both in the field of criminal justice and in other legal fields, that allow for the collection of testimonies and statements from minor victims while minimizing the harm that may be caused to them. Therefore, it is not common practice to rely on third-party testimony only due to the fact that minors are concerned (some of whom may be close to adulthood). This is especially true when the background or reliability of the third-party party that allegedly heard or collected the testimony from the minor are not identified.

33. As to the sources relied upon by the COI when it does attempt to substantiate its claims, in some cases it actually references its own previous, equally unsubstantiated and biased reports. The COI also relies heavily on information from UN agencies such as OCHA OPT, which rebrands Hamas-originated information with a UN logo, thereby disseminating unverified information from Hamas-controlled authorities as authoritative UN data.<sup>9</sup> Ironically, the lack of a critical assessment of these sources leads to contradictions within the report itself, for example, the Commission's inconsistent determinations regarding the ratio of children to combatant death toll.
34. The COI further relies heavily on testimony from known anti-Israel non-governmental organizations and media sources such as Al-Jazeera, and even Quds News Network, which is regarded as being affiliated with Hamas and the Palestinian Islamic Jihad. In other cases, it misquotes and misrepresents sources presented.<sup>10</sup>
35. The COI also claims to carry out analysis for which it has no professional capacity and without citing expert sources, including, *inter alia*, in highly specialized areas in the fields of medicine, military strategy and ballistics. On the basis of this “analysis”, it purports to reach legal conclusions and verdicts regarding violations of international law, despite the fact that it is neither a judicial nor a legal body.
36. For all of these reasons, the report and its conclusions should be rejected. Biased and unprofessional reports of the sort presented here do nothing to promote justice or the wellbeing of children, or any civilians. They serve as tools in the interests of a malicious political agenda.

### **Specific Examples of Errors and Omissions in the June 2026 Report on Children**

37. Israel received this draft report on June 1<sup>st</sup>, 2026 and was given 10 days to respond before its presentation to the Human Rights Council. The report runs to over 100

---

<sup>9</sup> For a detailed report on this subject, see ““Laundering Propaganda: How UN actors manipulated information in the Gaza War” (2023-2025)”, available at: <https://govextra.gov.il/media/1fslpy4c/un-information-manipulation-on-gaza.pdf>.

<sup>10</sup> To cite just one example, in para. 67 of the report, the Commission cites a general medical journal discussing the effect of certain types of weapons, presenting it as though it were a doctor in Gaza discussing the particulars of a specific case.

pages, covers nearly three years of conflict, names dozens of specific incidents, and advances the most serious findings international law recognizes. A 10-day window is not consistent with professional integrity or any genuine interest in substantive input from the State under examination. This further strengthens the idea that the report was written with the deliberate intention to reach a foregone conclusion, consistent with the one-sided and biased attitude of the COI.

38. Due to the core problems with the COI as a body, and with its methods, Israel's principled position is to refrain entirely from engagement with the body. However, it is important to publicly address the serious and unfounded claims made in the current report. As stated previously in the document, the report is riddled with bias, misrepresentation and inaccuracies and this document cannot address every specific named incident or allegation. Instead, we will address a few key errors and omissions in the COI's draft report.

#### **Allegations of Violations by Israel in Gaza**

39. As previously stated, The Commission's analysis of harm to children omits the extent to which Hamas and other armed groups deliberately embed military activity in the very civilian environments on which children depend - a deliberate strategy that caused, or at minimum significantly contributed to, civilian harm that the Commission attributes to Israel without adequate analysis of Hamas's role.
40. Relevant sites such as schools, kindergartens, hospitals, and maternity wards, were not merely affected by the conflict; they were exploited in ways that increased the danger to children and undermined the protective civilian character of those spaces. This pattern is directly relevant to any serious assessment of harm to children, because it caused, or at minimum significantly contributed to, harm that the Commission attributes to Israel without adequately examining Hamas's role.
41. This pattern is reflected, among other things, in the use of educational facilities and medical facilities for military activity, including the presence of armed operatives, staging activity, concealment, weapons-related activity, and other operational uses. For example, the Commission cites the Al-Taba'een school compound in Gaza City as an example of Israeli attacks on education, without adequately addressing the military presence at that site. In August 2024, the IDF targeted and neutralized 31

Hamas militants operating at the school, which had in effect been converted into a military compound. Similarly, information available to Israel indicated that Hamas sought to use sensitive hospital areas, including at Al-Shifa Hospital and other hospitals, for the concealment of armed operatives and a variety of other military uses. These examples should not be understood as exhaustive, but as illustrations of a broader and recurring pattern that the Commission fails to assess.

42. Information obtained from Hamas members themselves, together with operational intelligence, further indicates that Hamas and other armed groups deliberately exploited the protected status and civilian character of such sites, including because they assessed that Israel would seek to avoid operating against schools, hospitals, and similar civilian facilities. This intent is relevant because it demonstrates that Hamas's use of these environments was not incidental, but part of a deliberate method of operations that shifted risk onto civilians, including children.
43. The Commission also omits conduct that directly increased risks to children and families during hostilities. Hamas systematically obstructed Palestinian civilians, including families with children, from complying with IDF warnings calling to leave combat areas, thereby maintaining civilians as human cover in areas of active hostilities. Hamas also booby-trapped civilian apartments and structures throughout Gaza; when such devices detonated or were neutralized, the resulting explosions damaged surrounding buildings and increased the risks to civilians in densely populated areas. Senior retired U.S. military officers who visited Gaza have described how Hamas's method of fighting from within dense civilian areas required highly destructive combat in areas where children and families were present.<sup>11</sup> The Commission attributes the consequences of this urban battlefield almost exclusively to Israel, without examining how Hamas's own operational choices placed children in danger.

---

<sup>11</sup> **Lt. Gen. David Deptula (USAF, ret.) & Prof. Geoffrey Corn (LTC, ret.)** *"War, Legitimacy, and Context in the Middle East"* The Cipher Brief / JINSA, August 19, 2024. <https://jinsa.org/war-legitimacy-and-context-in-the-middle-east/>. *"Gaza and the Logic of High-Intensity Urban Warfare"*.

See also: War on the Rocks, March 11, 2026 Peer analysis of Hamas tunnel saturation, booby-trapped structures, and the operational constraints imposed on IDF forces; provides academically framed corroboration independent of JINSA. <https://warontherocks.com/2026/03/gaza-and-the-logic-of-high-intensity-urban-warfare/>.

44. The Commission's evidentiary selectivity is also relevant to its treatment of allegations concerning harm to children in medical settings resulting directly from militant activity. The October 17<sup>th</sup>, 2023 explosion at Al-Ahli Hospital was caused by a misfired PIJ rocket, according to independent assessments by the intelligence services of the United States, Canada, and the United Kingdom. A PIJ operative later testified that he was ordered to falsely attribute the explosion to Israel on multiple television channels that day, despite knowing the claim was false. A report addressing harm to children, hospitals, and medical care in Gaza cannot claim to apply consistent evidentiary standards while omitting one of the clearest examples of a fabricated allegation concerning a hospital incident.
45. The same type of omission appears in the Commission's treatment of humanitarian conditions affecting children. Hamas systematically diverted humanitarian aid, including by seizing shipments, reselling donated goods for profit, taxing private merchants, commandeering trucks, and diverting fuel designated for civilian hospitals to its tunnel network. Such conduct is directly relevant to the welfare of children because it affected the availability of food, medicine, fuel, hospital services, safe evacuation routes, and humanitarian access.
46. The Commission cites statements by Israeli individuals who are not responsible for the conduct of military operations, do not exercise operational command authority, and are not in a position to determine IDF policy or targeting decisions. Furthermore, the Commission does not meaningfully address Hamas's own words and conduct – some examples being Yahya Sinwar's explicit description of Palestinian civilian casualties as 'necessary sacrifices,' Hamas leaders' stated intention to repeat the October 7<sup>th</sup> attack 'again and again', and the public statement by senior Hamas Politburo member Moussa Abu Marzouq in October 2023, who acknowledged that Hamas had built hundreds of kilometres of tunnels in Gaza while not building bomb shelters for civilians, and stated that protecting Gaza's civilian population was the responsibility of the UN and Israel rather than Hamas.<sup>12</sup> That imbalance undermines the reliability of the Commission's conclusions regarding responsibility for harm to children.

---

<sup>12</sup> Moussa Abu Marzouq, Interview, Al Arabiya (27 October 2023).

## **IDF Operations in the West Bank**

47. Throughout the report, the Commission describes IDF security operations in the West Bank without adequately addressing the operational context in which those activities took place. The report often omits relevant information regarding the constant terrorist threat faced by Israeli security forces and civilians, the objectives of the operations concerned, and the circumstances that led to their initiation. These omissions significantly affect the accuracy and completeness of the Commission's analysis.
48. During the relevant period, the security situation in the West Bank was characterized by sustained terrorist activity, including shooting attacks, the planting of explosive devices, armed operatives operating from densely populated areas, weapons stockpiles, and efforts to carry out attacks against Israeli civilians and security forces. Israeli security forces conducted operations in response to these threats, including operations to arrest wanted persons, seize weapons, dismantle terrorist infrastructure, and prevent further attacks.
49. The Commission's findings frequently assess individual incidents without sufficient consideration of this broader operational context. As a result, the report presents a partial and incomplete picture of the operational reality faced by security forces operating in the area.
50. Throughout the report, the Commission mentions incidents and operational situations without providing essential information and background. This manner of presenting operational activity results in a partial and misleading overview of the operational reality in the West Bank. One example is its brief mention of Operations dubbed "Summer Camps" and "Iron Wall" as examples of large-scale operations conducted in the area, without providing the necessary background.
51. In the period preceding Operation "Summer Camps", the refugee camps of Jenin, Nur a-Shams and Tulkarem had become major centers of terrorist activity. Organized armed groups, including Hamas and other terrorist organizations, established operational infrastructure in the area, planted explosive devices and booby-traps, stockpiled weapons, and operated to conduct terrorist attacks. The operation was launched in order to address the threat posed by these armed groups and their infrastructure. During the operation, IDF forces operated against terrorist

infrastructure in five central locations across the cities. One of the terrorist groups addressed during the operation was assessed to be planning an attack inspired by the October 7<sup>th</sup> massacres. It should also be noted that, prior to the IDF operation, the Palestinian Security Apparatus had been operating in the cities in accordance with its responsibilities under the Oslo Accords.

52. Since terrorist activity in the area did not cease following Operation "Summer Camps", another IDF operation, "Iron Wall", was conducted in northern Samaria. The operation was aimed at dismantling armed groups, disrupting terrorist infrastructure, confiscating weapons, and reducing the threats posed to Israeli civilians and security forces. The operation contributed to the disruption of armed groups operating from the cities and to improved security conditions in the West Bank. At the same time, the effectiveness of the operation does not mean that terrorist activity ceased completely; IDF forces continue to face threats from explosive devices and other terrorist activity in the area.
53. Another example of incomplete coverage of an incident by the Commission is paragraph 91 of the report, in which the Commission refers to the death of a 2-year-old girl from Muthallath Al-Shuhada. The paragraph does not explain why IDF forces were operating in the area in the first place: the operation was conducted in connection with the arrest of armed operatives in the village. At the time of the operation, it was assessed that the armed operatives were hiding in the relevant house. The forces opened fire toward the house after an announcement was made and no response was received, and without knowledge that civilians were present inside the house. When the forces noticed the injured girl, the doctor accompanying the forces provided medical treatment until the arrival of the Red Crescent medical team. This tragic incident is under investigation by the Military Police Criminal Investigation Division.
54. The Commission's presentation of the incident omits critical aspects of the operational context in which it occurred and risks creating the misleading impression that the victim was targeted by IDF forces. The Commission's failure to address the circumstances in which such incidents occur further demonstrates the partial and incomplete nature of its factual analysis.

### **Omission of Actions taken by Israel to Alleviate Harm to Children**

55. The COI neglects to discuss the many significant steps taken by Israel since October 7<sup>th</sup> and over the course of the conflict in order to mitigate harm to civilians, including children. A few significant examples are provided below.
56. Israel has facilitated the entry of medical staff, along with significant medical equipment and supplies, including anesthetics, dozens of incubators, baby formula, and life-saving drugs.
57. The Commission discusses the destruction of health facilities in Gaza while failing to mention the establishment of 15 field hospitals, many of which include specialized facilities for maternity care and the care of children and newborns, facilitated by Israel, including The Jordanian Field Hospital in Khan Younis; IMC Field Hospital in Al-Mawasi; The MSF-Belgium Field Hospital; The Egyptian Rahma Field Hospital; The Kuwaiti Red Crescent and Rahma Field Hospital; The Kuwaiti Heal Field Hospital; and The MSF-France Field Hospital.
58. The Commission discusses the polio outbreak and subsequent vaccination campaign in Gaza. Its only mention of Israel in this regard is the allegation that Israel prevented a fourth round of vaccinations. The Commission conveniently forgets that Israel in fact facilitated the polio vaccination campaign, establishing a joint working group with WHO and UNICEF for this purpose. Over the course of the campaign, which was carried out between September and November 2024, over 1,107,000 children's polio vaccinations were distributed throughout Gaza. More than 90% of children received two rounds of vaccination. Israel also facilitated the delivery on a large scale of other vaccines for diseases including diphtheria, tetanus, whooping cough, hepatitis B, and influenza.

## **Conclusion**

59. Situations in which children are harmed are tragic, regardless of the surrounding circumstances. Israel is acutely aware of this fact, and consistently strives to minimize harm to children even in situations of conflict. The suggestion that Israel deliberately targets children is libelous, and Israel rejects it in the strongest terms.
60. Israel denounces the COI's unsubstantiated and outrageous allegations, set forth in this report and in previous reports. We object to the COI's consistent one-sided and biased framing of the conflict, their deletion of the illegal actions of Hamas and other Palestinian armed groups and their direct and indirect impact on Palestinian children, and its minimalization or erasure of the impacts of this conflict on Israeli civilians.
61. As with past products of the COI, the current report is riddled with factual, methodological and legal flaws. This report, like other COI reports, is unreliable, factually unsubstantiated and lacks any legal authority, and should therefore be rejected.